

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROLAND AND VALERIA VALIQUETTE,
husband and wife,

Plaintiffs,

-vs-

KARIN S. COX, an unmarried
woman; DAVID C. COX, an
unmarried man; and KARIN S. COX,
Trustee of the KARIN S. COX
TRUST,

Defendants.

NO. CV-04-0345-LRS

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS FOR LACK OF
JURISDICTION

A telephonic hearing was held on September 15, 2005 for the various pending motions. Douglas Lambarth participated on behalf of the Plaintiffs; Regina McCrea participated on behalf of Defendant David Cox; and Ryan Best participated on behalf of Defendants Karin S. Cox and Karin S. Cox Trust. The Court having considered the oral and written argument of counsel, enters this Order to supplement and memorialize the oral rulings of the Court made at the close of argument on the aforementioned date. Accordingly,

IT IS ORDERED that:

1. Plaintiffs' Motion for Extension of Time to Complete Discovery, filed on July 1, 2005, **Ct. Rec. 58**, is **DENIED as MOOT**.

1 2. Plaintiffs' First Motion to Amend Complaint, **Ct. Rec. 59**, filed
2 on July 1, 2005, is **DENIED as MOOT**.

3 3. Defendants Karin Cox and Karin Cox Trust's Motion for Partial
4 Summary Judgment, **Ct. Rec. 78**, filed on July 21, 2005, is **DENIED as MOOT**.

5 4. Defendants David Cox's Motion to Dismiss for Lack of
6 Jurisdiction or for Partial Summary Judgment, **Ct. Rec. 88**, filed on
7 August 8, 2005, is **GRANTED in part** and **DENIED in part as MOOT**. The court
8 concludes that Plaintiffs have failed to establish that they were
9 domiciled in Nevada at the time their complaint was filed herein.
10 Further, the court finds that Plaintiffs were domiciled in Washington as
11 of September, 2004 or prior thereto, which domicile is presumed to
12 continue based on Plaintiffs' failure to prove their residency and intent
13 to remain in Nevada permanently or for an indefinite future. The action
14 is **DISMISSED** based on lack of complete diversity of citizenship.

15 5. Defendants Karin Cox and Karin Cox Trust's Motion for Joinder of
16 David Cox's Motion to Dismiss, **Ct. Rec. 101**, filed August 12, 2005, is
17 **GRANTED**.

18 6. Defendant David Cox's Motion to Compel F.R.C.P. 35 Examination,
19 **Ct. Rec. 116**, filed on August 25, 2005, is **DENIED as MOOT**.

20 7. Defendants Karin Cox and Karin Cox Trust's Motion to Strike
21 Portions of Paragraph 9 of Declaration of Roland Valiquette, **Ct. Rec.**
22 **134**, is **DENIED**.

23 8. Defendants Karin Cox and Karin Cox Trust's Motion to Compel
24 Production of Military Records, **Ct. Rec. 139**, filed on September 8, 2005,
25 is **DENIED as MOOT**.

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1 9. Defendants' Joint Motion to Expedite Motion for Attorney Fees,
2 **Ct. Rec. 152**, filed September 12, 2005, is **DENIED**.

3 10. Defendants' Joint Motion for Attorney Fees, **Ct. Rec. 150**, filed
4 September 12, 2005, will be heard without oral argument and in accordance
5 with the time frame set forth in L.R. 7.1.

6 11. The status conference previously scheduled for September 23,
7 2005, at 8:30 a.m. is **STRICKEN**.

8 The District Court Executive is directed to file this Order and
9 provide copies to counsel.

10 **DATED** this 22nd day of September, 2005.

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12 *s/Lonny R. Suko*

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14 LONNY R. SUKO
15 UNITED STATES DISTRICT JUDGE
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